

10/552463

JC09 Rec'd PCT/PTO 07 OCT 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : Unassigned Confirmation No. : Unassigned  
First Named Inventor : Akihiro ISHII  
Filed : October 7, 2005  
TC/A.U. : Unassigned  
Examiner : Unassigned  
  
Docket No. : 038788.56805US  
Customer No. : 23911  
  
Title : Process for Producing 2'-Deoxy-2'-Fluorouridine

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R §§ 1.97 AND 1.98**

**Mail Stop AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form PTO-1449 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

I. Time Period of Submission

This Information Disclosure Statement is submitted:

1) no later than three months from the application's filing date or 2) before the mailing date of the first Office Action on the merits (whichever is later), and therefore no statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, a Notice of Allowance, or an action closing prosecution (*Ex parte Quayle*), (whichever is earlier), and therefore Applicant is filing concurrently herewith:

- a Statement under 37 C.F.R. § 1.97(e); or
- a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

after either a Final Office Action or a Notice of Allowance, but before payment of the Issue Fee, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.97(e); and  
a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

**II. Statement Under 37 C.F.R. § 1.97(e)**

I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

**III. Submission of Non-English Language Documents**

The following is a concise explanation of relevance of the non-English language documents listed in the attached Form PTO-1449:

The relevance of document(s) \_\_\_\_\_ to the subject matter of the present invention is/are provided in the specification of the above-identified application.

Copy of a corresponding foreign or international report citing document(s) \_\_\_\_\_, together with an English-language version (if not already in English) of that portion of the report indicating the degree of relevance found by the foreign office.

English language equivalent publication(s) of document(s) \_\_\_\_\_ is/are submitted herewith.

English language abstract(s) is/are submitted for document(s) 1 and 2.

English translation(s) of the foreign language document(s), is/are submitted herewith.

Applicant submits the following explanations:  
\_\_\_\_\_.

**IV. Continuations/Divisionals/PCT National Stage Applications**

10/552463

JC09 Rec'd PCT/PTO 07 OCT 2005

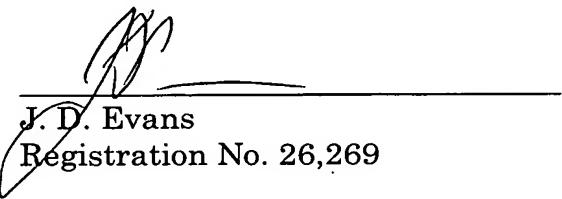
Documents \_\_\_\_\_ were previously submitted in an Information Disclosure Statement filed on == in parent application Serial No. \_\_\_\_\_, from which this application claims a benefit.

Copies of the references listed on the attached form PTO-1449 have already been provided by the International Searching Authority, therefore, duplicate copies are not attached hereto.

If necessary, this paper should be considered as an authorization to charge Deposit Account 05-1323, Attorney Docket No.: 038788.56805US, for the fee set forth in 37 C.F.R. § 1.17(p).

Respectfully submitted,

October 7, 2005

  
J. D. Evans  
Registration No. 26,269

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JDE:lkt

JC09 Rec'd PCT/PTO 97 OCT 2005

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
GSA GEN. REGS. REGISTRATION FORM

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO				<i><b>Complete if Known</b></i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	Not Yet Assigned
				Filing Date	October 7, 2005
				First Named Inventor	Akihiro ISHII
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
(use as many sheets as necessary)				Attorney Docket Number	
Sheet	1	of	2	038788.56805US	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS						
Examiner Initials'	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> —Number <sup>4</sup> —Kind Code <sup>5</sup> (if known)				
	1	JP 1-272595	10/31/1989	Central Glass Co., Ltd.		X
	2	JP 57-102889	06/26/1982	Toyo Jozo Co., Ltd.		X

<b>Examiner Signature</b>		<b>Date Considered</b>	
-------------------------------	--	----------------------------	--

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/552463

JC09 Rec'd PCT/PTO 17 OCT 2005

PTO/SB/08b (08-03)

Approved for use through 06/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i></p>				<b>Complete if Known</b>	
				Application Number	Not Yet Assigned
				Filing Date	October 7, 2005
				First Named Inventor	Akihiro ISHII
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	
038788.56805US					

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	3	Yoshiko SATO et al., "Synthesis and Hypnotic and Anti-Human Immunodeficiency Virus-1 Activities of N3-Substituted 2'-Deoxy-2'-fluorouridines", Chem.Pharm.Bull., Vol. 42, 1994, pages 595-598			T <sup>2</sup>
	4	Morio IKEHARA et al., "Studies on Nucleosides and Nucleotides. LXXXIX. Purine Cyclonucleosides. (43) Synthesis and Properties of 2'-Halogeno-2'-deoxyguanosines", Chem.Pharm.Bull., Vol. 29, 1981, pages 3281-3285			
	5	Morio IKEHARA et al., "Studies on Nucleosides and Nucleotides. LXXXVII. Purine Cyclonucleosides. XLII. Synthesis of 2'-deoxy-2'-fluoroguanosines", Chem.Pharm.Bull., Vol. 29, 1981, pages 1034-1038			
	6	International Search Report dated August 3, 2004 based on International Application No. PCT/JP2004/005109, filed April 9, 2004			

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.